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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,427	10/27/2003	Edwina Cowell	8813-88760	3349
24628	7590	05/20/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,427

Applicant(s)

COWELL, EDWINA

Examiner

Jennifer A. Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1 recites the limitation "the radio frequency signal " in line 7. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 13 recites the limitation "the radio frequency signal " in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingargiola et al. (US 5,748,087).

For claim 1, Ingargiola discloses a locator system used by a parent for locating a child (col 1, lns 50-54) comprising: a radio frequency (RF) transmitter carried by the parent (col 2, lns 46-50; Figs. 1 and 4, items 20,60); an RF receiver disposed within an article of clothing worn by the child (Figs. 1 and 4, items 12, 52 and 30); and an annunciator connected to the RF receiver that is activated by an RF signal received through the RF receiver (col 2, lns 47-50; Fig. 4, item 44).

For claim 2, the annunciator further comprises an audible alarm (Fig. 4, item 44).

For claim 3, the annunciator further comprises a visual indicator (Fig. 4, item 46).

For claim 5, the visual indicator further comprises a light emitting diode (col 2, Ins 50-52).

For claim 6, the article of clothing further comprises a shoe (Fig. 1, item 30; col 2, In 50).

6. Claims 13-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingargiola et al. (US 5,748,087).

For claim 13, Ingargiola discloses a locator system used by a parent for locating a child that is activated by a transmitter carried by the parent (Fig. 1, items 10, 20), such locating system comprising: a shoe to be worn by a child (Fig. 1, items 12, 30); an RF receiver connected to the shoe (Fig. 1, items 30, 52) and activated by the transmitter carried by the parent (Fig. 4, items 20, 62); and an annunciator connected to the RF receiver that is activated by an RF signal received through the RF receiver (col 2, Ins 47-50; Fig. 4, item 44).

For claim 14, the annunciator further comprises an audible alarm (Fig. 4, item 44).

For claim 15, the annunciator further comprises a visual indicator (Fig. 4, item 46).

For claim 17, the visual indicator further comprises a light emitting diode (col 2, Ins 50-52).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingargiola et al. (US 5,748,087).

Ingargiola discloses one pushbutton that activates both an audible and a visual indicator (col 2, lns 46-54 and 59-67; col 3, lns 16-20; Fig. 3, item 24). Even though Ingargiola does not disclose separate pushbuttons, it is well-known that an audible alarm can be controlled by one pushbutton and a visual alarm can be controlled by a second pushbutton. In addition, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use two separate pushbuttons to activate an audible alarm and a visual indicator so that, for example, a visual alarm is activated instead of audible alarm so not to disturb individuals in close proximity to the alarm.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingargiola et al. (US 5,748,087).

Ingargiola discloses one pushbutton located on the transmitter, carried by the parent, that activates both an audible and a visual indicator (col 2, lns 46-54 and 59-67; col 3, lns 16-20; Fig. 3, item 24). Even though Ingargiola does not disclose separate

pushbuttons, it is well-known that an audible alarm can be controlled by one pushbutton and a visual alarm can be controlled by a second pushbutton. In addition, it would have been obvious to use two separate pushbuttons to activate an audible alarm and a visual indicator so that, for example, a visual alarm is activated instead of audible alarm so not to disturb individuals in close proximity to the alarm.

10. Claims 7-9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingargiola et al. (US 5,748,087), as applied to claim 1, and further in view of Oja et al. (US 2002/0175820).

For claim 7, Ingargiola does not disclose a code selector on the receiver or the transmitter; however, Oja discloses an RF transmitter that comprises a code selector on the transmitter and also on the receiver that allows the parent to select a unique code that activates the audible alarm (parag 0009, Ins 1-5; parag 0051, last 5 lines; parag 0052, Ins 1-10; parag 0064, Ins 6-11; Fig. 3, item 722). It would have been obvious to include code selectors for the transmitter and receivers so that a parent can monitor more than one child.

For claim 8, Ingargiola does not disclose a modulator on the transmitter; however, Oja discloses this feature in order to modulate a signal based upon a code entered through the code selector (parag 0087 and 0090). It would have been obvious to include a modulator for the transmitter so that a parent can monitor more than one child by applying a unique code to each child unit.

For claim 9, Ingargiola does not disclose a processor on the transmitter that sequentially modulates a modulator; however, Oja discloses an RF transmitter that

comprises a processor that receives a code from the code selector and that sequentially modulates the modulator based upon the selected code (parag 0009, parag 0138, Ins 6-16; Fig. 1, item 40). It would have been obvious to provide sequential modulation for the transmitter so that the parent ensures each child unit or receiver is operating at a desirable frequency.

For claim 11, Ingargiola does not disclose a frequency modulator; however, Oja discloses a frequency modulator that modulates a frequency of a signal that is transmitted to the radio frequency receiver (parag 0122, Ins 5-7). It would have been obvious to use frequency modulation to provide a zero DC component in the signals and also a balanced frequency spectrum.

For claim 12, Ingargiola does not disclose a spread spectrum modulator; however, Oja discloses a spread spectrum modulator that modulates a frequency of a signal that is transmitted to the RF receiver (parag 0009, last 5 lines; parag 0139 and 0140). It would have been obvious to use spread spectrum modulation to minimize the conflicts of signal collision.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingargiola et al. (US 5,748,087) and Oja et al. (US 2002/0175820), as applied to claim 9, and further in view of Law (US 5,812,056).

Ingargiola does not disclose an amplitude modulator. Law, on the other hand, does disclose an amplitude modulator that modulates amplitude of a signal that is transmitted to the radio frequency receiver (col 4, Ins 59-66; Fig. 1, item 100; Fig. 2,

item 200). It would have been obvious to use amplitude modulation in order to send and receive signals within a particular frequency band based on the user's preferences.

12. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingargiola et al. (US 5,748,087), as applied to claim 13, and further in view of Oja et al. (US 2002/0175820).

For claim 19, Ingargiola does not disclose a code selector on the receiver; however, Oja discloses an RF receiver that comprises a code selector on the receiver that allows the parent to select a unique code that activates the audible alarm (parag 0009, Ins 1-5; parag 0051, last 5 lines; parag 0052, Ins 1-10; parag 0064, Ins 6-11; Fig. 3, item 722). It would have been obvious to include code selectors for receivers so that a parent can monitor more than one child.

For claim 20, the code selector further comprises a selector switch (parag 0051, last 5 lines).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Titus et al. (US 6,809,644) discloses a child locator system that includes a transmitter (parent unit) that includes separate pushbuttons for activating audible and visible alarms on a receiver (child unit).

Hughes et al. (US 5,646,593) discloses a child locator system that includes transceivers for parent and child units where a unique code is applied to each child

transceiver unit. A parent unit that includes a processor and a code selector that sequentially modulates a modulator based upon a selected code.

Kyte (US 6,313,733) discloses a child locator system that includes a transmitter (parent unit) that locates a plurality of receivers (child units).

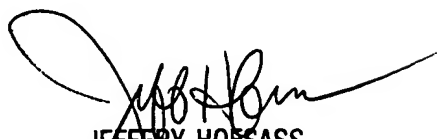
Desch (US 6,078,260) discloses a child locator system that includes transceivers for parent and child units where the child transceiver unit is affixed to apparel such as a shoe.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
May 3, 2005


JEFFERY HOF SASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600